1	Kamala D. Harris				
2	Attorney General of California ARTHUR D. TAGGART				
3	Supervising Deputy Attorney General JEFFREY M. PHILLIPS				
4	Deputy Attorney General State Bar No. 154990				
5	1300 I Street, Suite 125 P.O. Box 944255				
6	Sacramento, CA 94244-2550 Telephone: (916) 324-6292				
7	Facsimile: (916) 327-8643 Attorneys for Complainant				
8		BEFORE THE			
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS				
10	STATE OF CALIFORNIA				
11	In the Matter of the Accusation Against:	Case No.	2011-789		
12	SHAKEEL SHIU PRASAD, AKA				
13	SHAKEEL SHIN PRASAD 725 Milbank Drive	ACCUSATION			
14	Modesto, CA 95357		,		
15	Registered Nurse License No. 765378				
16	Respondent.				
. 17					
18	Complainant alleges:				
. 19		TIES			
20	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her				
21	official capacity as the Executive Officer of the Board of Registered Nursing, Department of				
22	Consumer Affairs.				
23	Registered Nurse License				
24	2. On or about January 14, 2010, the Board issued Registered Nurse License Number				
25	765378 to Shakeel Shiu Prasad, also known as Shakeel Shin Prasad ("Respondent"). The				
26	registered nurse license was in full force and effect at all times relevant to the charges brought				
27	herein and will expire on February 28, 2013, unless renewed.				
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STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct...,
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

8. Respondent has subjected his license to discipline pursuant to Code section 2761, subdivision (f), in that on or about July 6, 2010, in the Superior Court, County of Stanislaus, California, in the matter entitled *People vs. Shakeel Shiu Prasad*, 2010, Case No. 1419065, Respondent was convicted following his plea of nolo contendere to a violation of Vehicle Code section 23152, subdivision (b) (driving while having a blood alcohol of .08% or higher), a misdemeanor. The circumstances of the crime are that on or about April 13, 2010, Respondent was arrested by the Modesto Police following a traffic stop for driving with a blood alcohol level of .08% or more. Respondent's blood alcohol level measured .22%. Such conduct is substantially related to the qualifications, functions, and duties of a licensed registered nurse.

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime Involving Alcohol)

9. Respondent has subjected his license to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (c), in that Respondent has been convicted of a crime involving the consumption of alcohol, as more particularly set forth in paragraph 8, above.

THIRD CAUSE FOR DISCIPLINE

(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)

10. Respondent has subjected his license to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or about April 13, 2010, Respondent used alcohol to an extent or in a manner dangerous or injurious to himself or others, as more particularly set forth in paragraphs 8, above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 765378, issued to Shakeel Shiu Prasad, also known as Shakeel Shin Prasad;
- 2. Ordering Shakeel Shiu Prasad, also known as Shakeel Shin Prasad to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
 - 3. Taking such other and further action as deemed necessary and proper.

DATED:	(3) 18/11	Louise X.	Dailey
))	LOUISE R. BAILEY, M	.ED., RN
		Executive Officer	

Board of Registered Nursing Department of Consumer Affairs State of California

State of Califor Complainant

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